

ORDINANCE 22-01

AN ORDINANCE TO AMEND THE TOWN OF MILLVILLE CODE AT CHAPTER 72, ENTITLED "CONSTRUCTION HOURS."

WHEREAS, the Town Council of Millville has the power to adopt ordinances in the interest of good government and the safety, health, and public welfare of the Town, its inhabitants, and affairs, including to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants; and

WHEREAS, the Town of Millville has adopted an Ordinance for the municipality regulating construction hours, with the Town's ordinance codified in Chapter 72 of the Town Code; and

WHEREAS the Town Council may from time to time amend, supplement, or change the regulations and restrictions established by this Ordinance; and

NOW, BE IT THEREFORE ORDAINED, by the Town Council for the Town of Millville, Sussex County, Delaware, having duly met and a majority thereof concurring herein, that the following amendments are hereby adopted and incorporated into the Town of Millville Code at Chapter 72, entitled "Construction Hours":

Section 1. Amend § 72-2 with additions shown in black bold and underlined and ~~deletions in black bold and strikethrough~~ as follows:

§ 72-2. Permitted hours.

- A. No construction activity ~~(to include the delivery and supply of materials, removal of refuse from a construction site, or the starting up of engines of mechanized construction equipment or vehicles)~~, site preparation, site disturbance, excavation, or other similar construction shall be carried on except on the days and hours (at prevailing time) as follows:
- (1) September 1 to May 15:
 - (a) Monday through Friday: 8:00 a.m. to 6:00 p.m.
 - (b) Saturday: 8:00 a.m. to 4:00 p.m.
 - (2) May 16 to August 31:
 - (a) Monday through Friday: 7:30 a.m. to 6:00 p.m.
 - (b) Saturday: 8:00 a.m. to 4:00 p.m.
- B. No delivery and supply of construction materials, removal of refuse from a construction site, or the starting up of engines of mechanized construction equipment or vehicles shall be carried on except one hour before, one hour after, and during the hours permitted for construction activity.
- C. -However, this chapter shall not apply to a homeowner working within that homeowner's property boundaries, provided that such work is done by the

homeowner or immediate family members and the property is used exclusively by the homeowner or his family and guests as the dwelling of the property.

Section 2. Amend § 72-3 with additions shown in black bold and underlined and ~~deletions in black bold and strikethrough~~ as follows:

§ 72-3. Construction activities on Sundays and holidays.

- A. No person shall perform any construction activity, ~~(to include~~ the delivery and supply of construction materials, removal of refuse from a construction site, ~~or~~ the starting up of engines of mechanized construction equipment or vehicles), site preparation, site disturbance, excavation, or other similar construction on Sunday.
- B. No person shall perform any construction activity, ~~(to include~~ the delivery and supply of construction materials, removal of refuse from a construction site, ~~or~~ the starting up of engines of mechanized construction equipment or vehicles), site preparation, site disturbance, excavation, or other similar construction on the following holidays:
- (1) New Year's Day;
 - (2) Memorial Day;
 - (3) Fourth of July;
 - (4) Labor Day;
 - (5) Thanksgiving Day; and
 - (6) Christmas Day.

Section 3. This Ordinance shall take effect upon its enactment.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THE ____ DAY OF _____, 2021.

SEAL:

MAYOR

ATTESTED:

SECRETARY

SYNOPSIS

This Ordinance revises when certain construction-related activity can occur. Specifically, it allows delivery and supply of construction materials, removal of refuse

from a construction site, and the starting up of engines of mechanized construction equipment or vehicles to occur up to one hour before and one hour after the hours permitted for construction activity. The Ordinance maintains the prohibition on those activities on Sundays and the specified holidays.

DRAFT